

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

**SIMONE ORTEGA, Each Individually and on
Behalf of All Others Similarly Situated**

PLAINTIFFS

vs.

No. 18-2512

FUSION LOGISTICS, INC. and PEI OHIO, INC.

DEFENDANTS

JOINT STIPULATION OF DISMISSAL WITHOUT PREJUDICE

COMES NOW, Plaintiff, individually and on behalf of all others similarly situated, by and through her attorney, and Defendants, by and through their attorneys, and for their Joint Stipulation of Dismissal without Prejudice, state and allege as follows:

1. The parties stipulate to dismissal of this action without prejudice under Federal Rule of Civil Procedure 41(a).
2. Plaintiff brought this action pursuant to the overtime provisions of the Fair Labor Standards Act ("FLSA"), on behalf of herself and all others similarly situated.
3. The parties in this case and the related case of *Barnard et al. v. Fusion Logistics, Inc. et al.*, No. 3:17-cv-2650-N have negotiated a global settlement. The parties have agreed that Plaintiff and the opt-in plaintiffs in this case may opt-in to the *Barnard* action, with their statute of limitations remaining tolled as of the date that they filed or joined this case.
4. The claims of Plaintiff and the opt-in plaintiffs will be resolved according to the terms of the global settlement within the *Barnard* case.

Respectfully submitted,

**SIMONE ORTEGA, Individually and on
Behalf of All Others Similarly Situated,
PLAINTIFFS**

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/s/ Josh Sanford

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**DEFENDANT FUSION LOGISTICS,
INC.**

/s/ Hisham A. Masri

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DEFENDANT PEI OHIO, INC.

/s/ Katherine Anand

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CERTIFICATE OF SERVICE

I, Josh Sanford, certify that on the date imprinted by the CM/ECF system, a true and correct copy of the foregoing JOINT STIPULATION was filed via the CM/ECF system, which will provide notice to the following counsel of record:

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As of the same date, this STIPULATION has been discussed with, and a file-marked copy is being emailed to, the following attorneys representing Defendant PEI Ohio, Inc.:

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